



State of New Jersey

JAMES E. MCGREEVEY
Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

PETER C. HARVEY
Attorney General
RENI ERDOS
Director

September 22, 2003

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

By Certified and Regular Mail

Jean T. Wilson, Sr., D.V.M.
Cedar Grove Animal Hospital
370 Pompton Avenue
Cedar Grove, New Jersey 07009

Re: I/M/O JEAN T. WILSON, SR., D.V.M.
Complaint Number: 02-060

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Wilson:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review information it received concerning your professional conduct following its review of a complaint filed by Lisa Berkeley-Kain, on behalf of her mother Mrs. Pearl Berkeley, alleging your refusal to release the medical records of an eleven year old dog named "Ripper," in or about May 2002.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Mrs. Berkeley-Kain with the Board's administrative office on or about June 10, 2002, as well as any and all attachments and exhibits;

2. A correspondence dated June 27, 2002, from Dr. Wilson, as well as any and all attachments and exhibits; and
3. A letter, dated July 5, 2002, from Bruce Levinston, D.V.M., of Bridgewater Veterinary Hospital.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated as well as failed to comply with the Veterinary Practice Law, and the provisions of the regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9 in that you failed to release Ripper's medical records to either Mrs. Berkeley or Mrs. Berkeley-Kain or to their designated veterinarian.

Specifically, the Board's review into this matter revealed that Ripper was presented to you on May 24, 2002 for a routine examination. During the examination, you identified and diagnosed a mass in his abdomen. Following discussion of certain options with you concerning the dog's condition and prognosis, the Berkeleys decided to seek a second opinion. Approximately, on May 26, 2002, Mrs. Berkeley-Kain left a message for you requesting copies of Ripper's medical records. As of May 31, 2003, when Ripper was presented to Bruce Levinson, D.V.M., for a second opinion, you still had not released the medical records to either the Berkeleys or to Dr. Levinson's office despite several additional requests from both the Berkeleys and Dr. Levinson.

N.J.A.C. 13:44-4.9(c) provides, in the pertinent portion, that:

Copies of a licensee's record . . . and copies of all pertinent objective data and papers pertaining to a given patient, . . . shall be furnished to the patient's owner, a designated representative or a designated veterinarian within 30 days of a written request by the owner or duly authorized representative or within such lesser time as may be necessary for the care of the patient . . .
[N.J.A.C. 13:44-4.9(c); emphasis added].

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The Board concludes that this regulation required you to provide the medical reports to either the Berkeleys or to the office of Dr. Levinson at your earliest convenience since you were aware of the dog's condition and need for treatment. The Board determined that your position, detailed in your June 27, 2002, letter that the records were not necessary because the documents were not pertinent and did not contain information concerning the mass in the abdomen, was not persuasive to the Board to justify your violation of N.J.A.C. 13:44-4.9(c).

At this juncture, the Board has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. You are hereby formally reprimanded by the Board for failing to release Ripper's medical records as required by N.J.A.C. 13:44-4.9(c);
2. Cease and desist from violations of the patient records rule, namely N.J.A.C. 13:44-4.9(c); and
3. Pay a penalty in the amount of \$500.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event

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formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate enforcement action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 

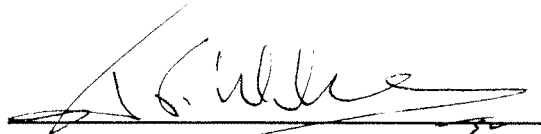
LESLIE G. ARONSON
Executive Director

CERTIFIED MAIL/C.R.R.R.
7002 3150 0004 8987 9694

Jean T. Wilson, Sr., DVM

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ACKNOWLEDGMENT: I, JEAN T. WILSON, SR., D.V.M., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$500.00, which is to be paid upon signing of this acknowledgment, for failing to release a patient's medical records upon the owner's request contrary to N.J.A.C. 13:44-4.9. I also agree to comply with the other provisions contained in this Settlement letter.


JEAN T. WILSON, SR., D.V.M.

DATED:

cc: Deputy Attorney General Olga E. Bradford

